

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

JOEY DOUGLAS SEIBER,

Plaintiff,

v.

JACKIE PHILLIPS,

Defendant.

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Case No. 3:24-cv-285

Judge Atchley

Magistrate Judge McCook

ORDER

On December 18, 2024, United States Magistrate Judge Jill E. McCook filed a Report and Recommendation [Doc. 12] pursuant to 28 U.S.C. § 636 and the Rules of this Court. Magistrate Judge McCook granted Plaintiff's Motion for Leave to Proceed *in forma pauperis*. [*Id.* at 2]. Magistrate Judge McCook also screened the Amended Complaint pursuant to 28 U.S.C. § 1915 and found that Plaintiff's Section 1983 claim for deprivation of property is untimely. [*Id.* at 4]. Moreover, Magistrate Judge McCook concluded that Plaintiff failed to state a claim for relief based on his failure to plead the inadequacy of post-deprivation remedies available under Tennessee state law. [*Id.* at 4–5]. Given these findings, Magistrate Judge McCook recommends that the Court dismiss Plaintiff's Amended Complaint. [*Id.* at 6].

Plaintiff has not filed an objection to the Report and Recommendation, and the time to do so has now passed.¹ The Court has nonetheless reviewed the Report and Recommendation, as well as the record, and agrees with Magistrate Judge McCook's conclusions.

¹ Magistrate Judge McCook advised Plaintiff that he had fourteen days in which to object to the Report and Recommendation and that failure to do so would waive any right to appeal. [Doc. 12 at 6 n.5]; *see* Fed. R. Civ. P. 72(b)(2); *see also* *Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) ("It does not appear that Congress intended to require district court review of a magistrate judge's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.").

Accordingly, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge McCook's findings of fact and conclusions of law as set forth in the Report and Recommendation. [Doc. 12]. Thus, Plaintiff's Amended Complaint [Doc. 10] is **DISMISSED WITH PREJUDICE**. A separate Judgment Order will enter.

SO ORDERED.

/s/ Charles E. Atchley, Jr.

CHARLES E. ATCHLEY, JR.

UNITED STATES DISTRICT JUDGE